

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 629**

**Introduced by Senator Dutton**

February 22, 2005

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An act to amend Section ~~12804.9~~ of 12816 of, and to add Section 12804.11 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 629, as amended, Dutton. Vehicles: driver's ~~license~~ license: *registered sex offenders.*

~~Existing law provides for the issuance of a driver's license by the Department of Motor Vehicles, with certain requirements.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

*Existing law provides that the expiration date for an original driver's license or a driver's license renewal is the 5th birthday of the applicant following the date of the application for the license or the expiration of the license renewed.*

*Existing law requires a person convicted of certain sex offenses to register with the chief of police or sheriff of the city or county in which the person is residing or located, and with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing or located upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence or location. This requirement applies for the rest of the person's life while residing or present in this state.*

*This bill would prohibit the Department of Motor Vehicles from issuing an original driver's license or driver's license renewal to a person required to be registered as a sex offender unless the driver's license or renewal is for a term of one year, and, in addition to any*

*other requirement for a driver's license or license renewal, the department requires the applicant to provide a current photograph and address verification for the original license and for each license renewal.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 12804.9 of the Vehicle Code, as added~~  
2     ~~by Section 6.5 of Chapter 952 of the Statutes of 2004, is~~  
3     ~~amended to read:~~

4     ~~SECTION 1. Section 12804.11 is added to the Vehicle Code,~~  
5     ~~to read:~~

6     ~~12804.11. (a) The department shall not issue an original~~  
7     ~~driver's license or driver's license renewal to a person required~~  
8     ~~to be registered under Section 290 of the Penal Code, except as~~  
9     ~~authorized under this section.~~

10    ~~(b) The driver's license or renewal shall be for a term of one~~  
11    ~~year.~~

12    ~~(c) In addition to any other requirement for a driver's license~~  
13    ~~or renewal, the department shall require the applicant to provide~~  
14    ~~a current photograph and address verification for the original~~  
15    ~~license and for each renewal.~~

16    ~~SEC. 2. Section 12816 of the Vehicle Code is amended to~~  
17    ~~read:~~

18    ~~12816. (a) Every~~Except as required under Section 12804.11,  
19    ~~every~~ original driver's license expires on the fifth birthday of the  
20    ~~applicant following the date of the application for the license.~~

21    ~~(b) Renewal~~Except as required under Section 12804.11,  
22    ~~renewal~~ of a driver's license shall be made for a term ~~which that~~  
23    ~~expires on the fifth birthday of the applicant following the~~  
24    ~~expiration of the license renewed, if application for renewal is~~  
25    ~~made within six months prior to the expiration of the license to~~  
26    ~~be renewed, or within 90 days after expiration of the license. If~~  
27    ~~renewal is not applied for within 90 days after expiration of the~~  
28    ~~license, the application and fee is considered the same as an~~  
29    ~~application for an original license.~~

30    ~~(c) The department may accept application for a renewal of a~~  
31    ~~driver's license made more than six months prior to the date of~~

1 expiration. ~~The~~*Except as required under Section 12804.11, the*  
 2 renewal shall be made for a term ~~which~~ *that* expires on the fifth  
 3 birthday of the applicant following the date of the application for  
 4 the renewal license.

5 (d) The department may accept an application for a license of  
 6 a different class made more than six months before the expiration  
 7 of the license previously issued, if the previously issued license is  
 8 surrendered for cancellation in accordance with Section 13100.  
 9 ~~The~~*Except as required under Section 12804.11, the* driver's  
 10 license issued from that application expires on the fifth birthday  
 11 of the applicant following the date of the application.

12 (e) Notwithstanding subdivisions (a), (b), (c), and (d), the  
 13 department may adjust the expiration date for any driver's license  
 14 issued pursuant to this code.

15 ~~12804.9. (a) (1) The examination shall include all of the~~  
 16 ~~following:~~

17 ~~(A) A test of the applicant's knowledge and understanding of~~  
 18 ~~the provisions of this code governing the operation of vehicles~~  
 19 ~~upon the highways.~~

20 ~~(B) A test of the applicant's ability to read and understand~~  
 21 ~~simple English used in highway traffic and directional signs.~~

22 ~~(C) A test of the applicant's understanding of traffic signs and~~  
 23 ~~signals, including the bikeway signs, markers, and traffic control~~  
 24 ~~devices established by the Department of Transportation.~~

25 ~~(D) An actual demonstration of the applicant's ability to~~  
 26 ~~exercise ordinary and reasonable control in operating a motor~~  
 27 ~~vehicle by driving it under the supervision of an examining~~  
 28 ~~officer. The applicant shall submit to an examination appropriate~~  
 29 ~~to the type of motor vehicle or combination of vehicles he or she~~  
 30 ~~desires a license to drive, except that the department may waive~~  
 31 ~~the driving test part of the examination for any applicant who~~  
 32 ~~submits a license issued by another state, territory, or possession~~  
 33 ~~of the United States, the District of Columbia, or the~~  
 34 ~~Commonwealth of Puerto Rico if the department verifies through~~  
 35 ~~any acknowledged national driver record data source that there~~  
 36 ~~are no stops, holds, or other impediments to its issuance. The~~  
 37 ~~examining officer may request to see evidence of financial~~  
 38 ~~responsibility for the vehicle prior to supervising the~~  
 39 ~~demonstration of the applicant's ability to operate the vehicle.~~  
 40 ~~The examining officer may refuse to examine an applicant who is~~

1 ~~unable to provide proof of financial responsibility for the vehicle,~~  
2 ~~unless proof of financial responsibility is not required by this~~  
3 ~~code.~~

4 ~~(E) A test of the applicant's hearing and eyesight, and of other~~  
5 ~~matters that may be necessary to determine the applicant's~~  
6 ~~mental and physical fitness to operate a motor vehicle upon the~~  
7 ~~highways, and whether any grounds exist for refusal of a license~~  
8 ~~under this code.~~

9 ~~(2) The examination for a class A or class B driver's license~~  
10 ~~under subdivision (b) shall also include a report of a medical~~  
11 ~~examination of the applicant given not more than two years prior~~  
12 ~~to the date of the application by a health care professional. As~~  
13 ~~used in this subdivision, "health care professional" means a~~  
14 ~~person who is licensed, certified, or registered in accordance with~~  
15 ~~applicable state laws and regulations to practice medicine and~~  
16 ~~perform physical examinations in the United States of America.~~  
17 ~~Health care professionals are doctors of medicine, doctors of~~  
18 ~~osteopathy, physician assistants, and registered advanced practice~~  
19 ~~nurses, or doctors of chiropractic who are clinically competent to~~  
20 ~~perform the medical examination presently required of motor~~  
21 ~~carrier drivers by the Federal Highway Administration. The~~  
22 ~~report shall be on a form approved by the department, the Federal~~  
23 ~~Highway Administration, or the Federal Aviation~~  
24 ~~Administration. In establishing the requirements, consideration~~  
25 ~~may be given to the standards presently required of motor carrier~~  
26 ~~drivers by the Federal Highway Administration.~~

27 ~~(3) Any physical defect of the applicant, that, in the opinion of~~  
28 ~~the department, is compensated for to ensure safe driving ability,~~  
29 ~~shall not prevent the issuance of a license to the applicant.~~

30 ~~(b) In accordance with the following classifications, any~~  
31 ~~applicant for a driver's license shall be required to submit to an~~  
32 ~~examination appropriate to the type of motor vehicle or~~  
33 ~~combination of vehicles the applicant desires a license to drive:~~

34 ~~(1) Class A includes the following:~~

35 ~~(A) A combination of vehicles, if any vehicle being towed has~~  
36 ~~a gross vehicle weight rating of more than 10,000 pounds.~~

37 ~~(B) A vehicle towing more than one vehicle.~~

38 ~~(C) A trailer bus.~~

39 ~~(D) The operation of all vehicles under class B and class C.~~

40 ~~(2) Class B includes the following:~~

1 ~~(A) A single vehicle with a gross vehicle weight rating of~~  
2 ~~more than 26,000 pounds.~~

3 ~~(B) A single vehicle with three or more axles, except any~~  
4 ~~three-axle vehicle weighing less than 6,000 pounds.~~

5 ~~(C) A bus except a trailer bus.~~

6 ~~(D) A farm labor vehicle.~~

7 ~~(E) A single vehicle with three or more axles or a gross~~  
8 ~~vehicle weight rating of more than 26,000 pounds towing another~~  
9 ~~vehicle with a gross vehicle weight rating of 10,000 pounds or~~  
10 ~~less.~~

11 ~~(F) A house car over 40 feet in length, excluding safety~~  
12 ~~devices and safety bumpers.~~

13 ~~(G) The operation of all vehicles covered under class C.~~

14 ~~(3) Class C includes the following:~~

15 ~~(A) A two-axle vehicle with a gross vehicle weight rating of~~  
16 ~~26,000 pounds or less, including when the vehicle is towing a~~  
17 ~~trailer or semitrailer with a gross vehicle weight rating of 10,000~~  
18 ~~pounds or less.~~

19 ~~(B) Notwithstanding subparagraph (A), a two-axle vehicle~~  
20 ~~weighing 4,000 pounds or more unladen when towing a trailer~~  
21 ~~coach not exceeding 9,000 pounds gross.~~

22 ~~(C) A house car of 40 feet in length or less.~~

23 ~~(D) A three-axle vehicle weighing 6,000 pounds gross or less.~~

24 ~~(E) A house car of 40 feet in length or less or vehicle towing~~  
25 ~~another vehicle with a gross vehicle weight rating of 10,000~~  
26 ~~pounds or less, including when a tow dolly is used. A person~~  
27 ~~driving a vehicle may not tow another vehicle in violation of~~  
28 ~~Section 21715.~~

29 ~~(F) (i) A two-axle vehicle weighing 4,000 pounds or more~~  
30 ~~unladen when towing either a trailer coach or a fifth-wheel travel~~  
31 ~~trailer not exceeding 10,000 pounds gross vehicle weight rating,~~  
32 ~~when the towing of the trailer is not for compensation.~~

33 ~~(ii) A two-axle vehicle weighing 4,000 pounds or more~~  
34 ~~unladen when towing a fifth-wheel travel trailer exceeding~~  
35 ~~10,000 pounds, but not exceeding 15,000 pounds, gross vehicle~~  
36 ~~weight rating, when the towing of the trailer is not for~~  
37 ~~compensation, and if the person has passed a specialized written~~  
38 ~~examination provided by the department relating to the~~  
39 ~~knowledge of this code and other safety aspects governing the~~  
40 ~~towing of recreational vehicles upon the highway.~~

~~The authority to operate combinations of vehicles under this subparagraph may be granted by endorsement on a class C license upon completion of that written examination.~~

~~(G) A vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating, as those terms are defined in subdivisions (j) and (k), respectively, of Section 15210, of 26,000 pounds or less, if all of the following conditions are met:~~

~~(i) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.~~

~~(ii) Is used exclusively in the conduct of agricultural operations.~~

~~(iii) Is not used in the capacity of a for-hire carrier or for compensation.~~

~~(H) A motorized scooter.~~

~~(I) Class C does not include a two-wheel motorcycle or a two-wheel motor-driven cycle.~~

~~(4) Class M1. A two-wheel motorcycle or a motor-driven cycle. Authority to operate a vehicle included in a class M1 license may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination.~~

~~(5) Class M2. A motorized bicycle or moped, or a bicycle with an attached motor, except a motorized bicycle described in subdivision (b) of Section 406. Authority to operate vehicles included in class M2 may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination. Persons holding a class M1 license or endorsement may operate vehicles included in class M2 without further examination.~~

~~(e) A driver's license or driver certificate is not valid for operating a commercial motor vehicle, as defined in subdivision (b) of Section 15210, any other motor vehicle defined in paragraph (1) or (2) of subdivision (b), or any other vehicle requiring a driver to hold any driver certificate or any driver's license endorsement under Section 15275, unless a medical certificate approved by the department, the Federal Highway Administration or the Federal Aviation Administration, that has been issued within two years of the date of the operation of that~~

1 vehicle is within the licensee's immediate possession, and a copy  
2 of the medical examination report from which the certificate was  
3 issued is on file with the department. Otherwise, the license is  
4 valid only for operating class C vehicles that are not commercial  
5 vehicles, as defined in subdivision (b) of Section 15210, and for  
6 operating class M1 or M2 vehicles, if so endorsed, that are not  
7 commercial vehicles, as defined in subdivision (b) of Section  
8 15210.

9 (d) A license or driver certificate issued prior to the enactment  
10 of Chapter 7 (commencing with Section 15200) is valid to  
11 operate the class or type of vehicles specified under the law in  
12 existence prior to that enactment until the license or certificate  
13 expires or is otherwise suspended, revoked, or canceled.

14 (e) The department may accept a certificate of driving skill  
15 that is issued by an employer, authorized by the department to  
16 issue a certificate under Section 15250, of the applicant, in lieu of  
17 a driving test, on class A or B applications, if the applicant has  
18 first qualified for a class C license and has met the other  
19 examination requirements for the license for which he or she is  
20 applying. The certificate may be submitted as evidence of the  
21 applicant's skill in the operation of the types of equipment  
22 covered by the license for which he or she is applying.

23 (f) The department may accept a certificate of competence in  
24 lieu of a driving test on class M1 or M2 applications, when the  
25 certificate is issued by a law enforcement agency for its officers  
26 who operate class M1 or M2 vehicles in their duties, if the  
27 applicant has met the other examination requirements for the  
28 license for which he or she is applying.

29 (g) The department may accept a certificate of satisfactory  
30 completion of a novice motorcycle training program approved  
31 by the commissioner pursuant to Section 2932 in lieu of a driving  
32 test on class M1 or M2 applications, if the applicant has met the  
33 other examination requirements for the license for which he or  
34 she is applying. The department shall review and approve the  
35 written and driving test used by a program to determine whether  
36 the program may issue a certificate of completion.

37 (h) Notwithstanding subdivision (b), a person holding a valid  
38 California driver's license of any class may operate a short-term  
39 rental motorized bicycle without taking any special examination  
40 for the operation of a motorized bicycle, and without having a

1 ~~class M2 endorsement on that license. As used in this~~  
2 ~~subdivision, “short-term” means 48 hours or less.~~

3 ~~(i) A person under the age of 21 years may not be issued a~~  
4 ~~class M1 or M2 license or endorsement unless he or she provides~~  
5 ~~evidence satisfactory to the department of completion of a~~  
6 ~~motorcycle safety training program that is operated pursuant to~~  
7 ~~Article 2 (commencing with Section 2930) of Chapter 5 of~~  
8 ~~Division 2.~~

9 ~~(j) A driver of a vanpool vehicle may operate with class C~~  
10 ~~licenses but shall possess evidence of a medical examination~~  
11 ~~required for a class B license when operating vanpool vehicles.~~  
12 ~~In order to be eligible to drive the vanpool vehicle, the driver~~  
13 ~~shall keep in the vanpool vehicle a statement, signed under~~  
14 ~~penalty of perjury, that he or she has not been convicted of~~  
15 ~~reckless driving, drunk driving, or a hit-and-run offense in the~~  
16 ~~last five years.~~

17 ~~(k) A class M license issued between January 1, 1989, and~~  
18 ~~December 31, 1992, shall permit the holder to operate any~~  
19 ~~motorcycle, motor-driven cycle, or motorized bicycle until the~~  
20 ~~expiration of the license.~~